

REMARKS

Claims 1-14 are pending in the present application. Claims 1-6 and 9-11 are amended. Claims 12-14 are new. Claims 1-4 and 10 are independent.

CLAIM OBJECTION

Claim 9 is objected to under 37 C.F.R. 1.75(c) for failing to further limit the subject matter of a previous claim. In particular, the Examiner contends that extracting a flesh area does not further limit the feature of extracting a face area corresponding to Claim 11 (See Office Action at Section 3, page 2).

Applicant respectfully traverses this objection. In particular, applicant submits that "flesh area" does serve to further limit the "face area" in Claim 11. In particular, applicant submits that a face area generally has both flesh and non-flesh areas. For example, the non-flesh areas of a face include the eyes, hair, eyebrows, and other facial hair.

Applicant further directs the Examiner's attention to line 6-11 of page 8 in the present specification, which indicates that a density of a skin-color area (i.e., flesh area) in the face area, as opposed to hair or the like, may be substantially corrected by the present invention.

Accordingly, reconsideration and withdrawal of this objection is respectfully requested. Furthermore, Applicant respectfully submits that Claim 9 should be examined based on its dependency on Claim 11, rather than being considered as dependent on Claim 1.

Rejection Under 35 U.S.C §112

Claim 9 stands rejected under 35 U.S.C §112, second paragraph, because the limitation "the figure" in line 4 allegedly lacks sufficient antecedent basis. This rejection is respectfully traversed.

In particular, Applicant respectfully submits that Claim 11 recites "a figure in the image" in Line 2. Applicant further submits that, by virtue of the dependency of Claim 9 on Claim 11, the above-identified feature in Claim 9 does have antecedent sufficient basis.

It is presumed that the Examiner made this rejection in view of his indication that Claim 9 would be considered as being dependent on Claim 1 in view of the above claim objection (see Office Action at page 2). However, Applicant respectfully traverses the objection of Claim 9 at least for the reasons set forth above, and submits that Claim 9 should, thus, be examined as dependent on Claim 11. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Rejection Under 35 U.S.C. §102

Claims 1-4 and 10 stand rejection under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,524,069 to Inoue (hereinafter Inoue). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

Inoue discloses a method for recognizing and extracting a characteristic area (e.g., area 121 in Figures 4 and 5), which is superimposed on a background with multiple areas, each area having a different color (e.g., areas 111, 112, and 113). The purpose of Inoue's extracting method is to produce an image 150 containing only the extracted characteristic area 121 on a blank (or constant density) background (as shown in Figure 5). In particular, Inoue discloses converting the original image into a density picture, determining a density corresponding to each different color area (104, 105, 106) of the background, and subtracting these determined background densities from the original density picture.

As amended, independent Claims 1-4 and 10 each recites selecting an area in the image, and adjusting either the density or the color of the image at that selected area so as to compensate for the effect of either the density or the color of a surrounding image area on the visual perception of the

selected area. Applicant respectfully submits that Inoue fails to disclose or suggest these features.

As discussed above, Inoue discloses extracting a characteristic area from a different-colored background in order to produce a new image containing only the characteristic area. Thus, Inoue uses the term "extract" to refer to the removal of an area of the image from the background. Thus, any adjustment that Inoue performs on the extracted characteristic area is not performed to compensate the effect of density or color in the background on the visual perception of the characteristic area. In fact, Inoue's background area will have no effect on the visual perception on this characteristic area after the characteristic area is removed. Any adjustment of density and color performed in the actual characteristic area of Inoue compensates for the effect of subtractive color mixing within the characteristic area, as opposed to the effect of the surrounding background on the characteristic area (see Inoue at Column 3: lines 50-60).

Although the present application utilizes terminology such as "extracting an area in the image" and adjusting either density or color of the "extracted image area," it is clear from the context in the specification that "extract" is used for referring to the selection of an image area for adjustment -- not the removal of the image area. The specification

particularly makes clear that the present invention helps solve the problem of the effects of the color and density of the surrounding areas on the visual perception of a particular target area (see Specification at page 2, lines 8-19). Such problems do not exist when the target area is removed from the surrounding area (as in the case of Inoue).

To clarify the present invention, the presently pending claims have been amended to replace the term "extract" with "select." Applicant respectfully submits that these amendments do not add any new matter. It will be readily apparent from a review of the specification that these amendments are made only to clarify the present invention as disclosed in the originally filed specification.

Inoue fails to disclose the adjustment of a density or color of a selected image area to compensate for the effect of the density or color of a surrounding image area on the visual perception of the selected area, as required by the independent Claims 1-4 and 10. Therefore, reconsideration and withdrawal of this rejection is respectfully requested.

Rejection Under 35 U.S.C. §103

Claims 5-8 stand rejected under 35 U.S.C §103(a) as being unpatentable over Inoue in view of *Digital Image Processing*, 1993, by Gonzalez et al. (hereinafter Gonzalez). Furthermore,

Claims 9 and 11 stand rejected under §103(a) as being unattainable over Inoue in view of U.S. Patent No. 6,141,442 to Chen (hereinafter Chen). Applicant respectfully submits that neither Gonzalez nor Chen remedies the deficiencies of Inoue set forth above in connection with independent Claim 1. In particular, it is respectfully submitted that neither Gonzalez nor Chen discloses adjusting a density or color of a selected image area based on the effect of a density or color of a surrounding image area on the visual perception of the selected area. Accordingly, Applicant respectfully submits that Claims 5-9 and 11 are allowable at least by virtue of their dependency on independent Claim 1. Accordingly, reconsideration and withdrawal of these rejections are respectfully requested.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the claims now clearly distinguish over the prior art documents relied on by the Examiner, either alone or in combination. Accordingly, the Examiner is respectfully requested to reconsider the various rejections and issue a Notice of Allowance in connection with the presently pending claims.

Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason Rhodes (Reg. No. #47,305) at the telephone number of the undersigned in order to conduct an interview in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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